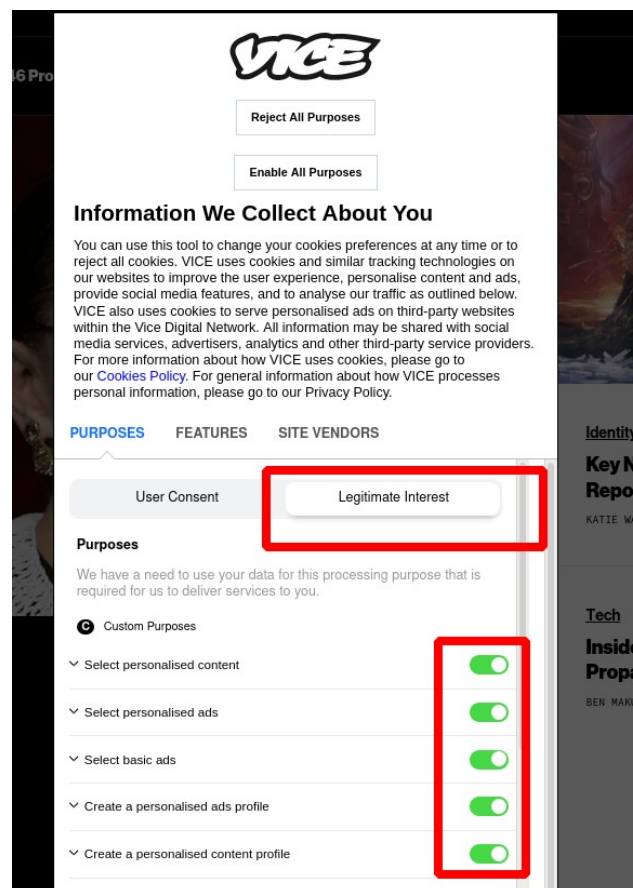Jan Orlik,
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Feedback on Guidelines 08/2020 on the targeting of social media users

Legitemate Interest Checkboxes

As a privacy-conscious user of the Web, I'm worried by one particular new practice that is becoming more and more prevalent across privacy popups on popular websites, namely: the "<<Legitimate Interest>> checkbox".

When visiting certain sites for the first time, such as vice.com or wp.pl the user is confronted with a popup that asks for their privacy preferences, and in advanced settings a "legitimate interest" checkbox appears next to certain "purposes":

As a user I find it particularly confusing. I have no idea what influence on the legitimate interest I have. I know that if there is legitimate interest, acquiring consent is not only not necessary, but not allowed. It feels like trying to sneak in tracking that the user doesn't want.

I believe that the official Guidelines should clarify in simple terms whether or not such practices are allowed or not.

Tracking before acquiring consent

Another prevalent practice that I'm observing on a daily basis is that sites show a "we value your privacy" pop-up where they ask for consent, but in actuality the tracking data to sites such as Facebook, Google or Gemius has been already sent before acquiring consent, sometimes even before the pop-up shows up. I think the guidelines should be very vocal against such practices.

Thank you for your time spent on acknowledging my feedback. I hope it's useful to the process of creating clear guidelines for website administrators.